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## BEFORE THE ARIZONA CORPORATION COMMISSION

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BOB STUMP - Chairman  
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AZ CORP COMMISSION  
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IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY, IN  
CONFORMANCE WITH THE REQUIREMENTS  
OF ARIZONA REVISED STATUTES §§ 40-360, et  
seq., FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE TS-5 TO TS-9 500/230 kV  
TRANSMISSION LINE PROJECT, WHICH  
ORIGINATES AT THE FUTURE TS-5  
SUBSTATION, LOCATED IN THE WEST HALF  
OF SECTION 29, TOWNSHIP 4 NORTH, RANGE  
4 WEST AND TERMINATES AT THE FUTURE  
TS-9 SUBSTATION, LOCATED IN SECTION 33,  
TOWNSHIP 6 NORTH, RANGE 1 EAST, IN  
MARICOPA COUNTY, ARIZONA.

DOCKET NO. L-00000D-08-0330-00138

CASE NO. 138

Arizona Corporation Commission

DOCKETED

DEC 15 2014

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**PROCEDURAL ORDER**  
**(Reschedules a Hearing)**

**BY THE COMMISSION:**

On March 17, 2009, the Arizona Corporation Commission ("Commission") issued Decision No. 70850 in Line Siting Case No. 138, granting Arizona Public Service Company ("APS") a Certificate of Environmental Compatibility ("CEC") authorizing it to construct approximately 40 miles of 500/230 kV transmission line and ancillary facilities beginning at the TS-5/Sun Valley Substation, located in the west half of Section 29, Township 4 North, Range 4 West, and ending at the TS-9/Morgan Substation, located in Section 33, Township 6 North, Range 1 East. The CEC was granted subject to a number of conditions, among them requirements for APS to file its Application for any necessary rights-of-way across Arizona State Land Department ("ASLD") property within 12 months of the effective date of the CEC, to construct the 500 kV circuit within seven years, and to construct the 230 kV circuit within 10 years.

On April 14, 2010, the Commission issued Decision No. 71645, amending Decision No. 70850 to extend by 12 months the deadline for APS to file its Application for rights-of-way across ASLD property.

1 On July 17, 2014, APS filed an Application to Amend Arizona Corporation Commission  
2 Decision No. 70850 Re CEC 138 and Request for Extension of CEC Term ("Application to Amend  
3 CEC"). In its Application to Amend CEC, APS requested four modifications to the CEC itself as  
4 well as an extension of the deadlines to construct both the 500 kV circuit and the 230 kV circuit.

5 On August 12, 2014, the Commission voted to reopen Decision No. 70850 pursuant to A.R.S.  
6 § 40-252 and directed the Commission's Hearing Division to hold a procedural conference to discuss  
7 scheduling and other procedural issues.

8 On September 4, 2014, a Procedural Order was issued scheduling a procedural conference to  
9 be held on September 18, 2014, at the Commission's offices in Phoenix. This was subsequently  
10 rescheduled, pursuant to an APS request.

11 On October 6, 2014, a procedural conference was held, with APS, ASLD, SFI Grand Vista,  
12 LLC ("SFI Grand Vista"),<sup>1</sup> the City of Peoria ("Peoria"), Diamond Ventures, Inc. ("DVI"), and the  
13 Commission's Utilities Division ("Staff") appearing through counsel. The remaining parties did not  
14 attend.

15 On October 10, 2014, a Procedural Order was issued scheduling, among other things, a  
16 hearing to commence on December 16, 2014, and continue, if necessary, on December 18 and 19,  
17 2014.

18 On December 9, 2014, a Procedural Order was issued scheduling a procedural conference to  
19 discuss potential scheduling conflicts with the Commission Open Meetings scheduled on December  
20 18 and 19, 2014.

21 On December 11, 2014, a procedural conference was held, as scheduled, with APS, ASLD,  
22 SFI Grand Vista, Peoria, DVI, and Staff appearing through counsel. At the procedural conference,  
23 counsel for APS, DVI, and Staff indicated that the Open Meetings caused scheduling conflicts with  
24 the December 18 and 19, 2014, hearing dates. Although APS and Staff expressed optimism that the  
25 hearing could be concluded on December 16, 2014, SFI Grand Vista opined that more than one day  
26 of hearing would likely be needed due to the anticipated amounts of cross-examination and public  
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28 <sup>1</sup> SFI Grand Vista, LLC is the successor to Surprise Grand Vista JVI, LLC.

comment. The parties discussed alternative hearing dates and agreed to reschedule the hearing for January 20 and 21, 2015.<sup>2</sup> Since APS provided public notice of the hearing, the December 16, 2014, hearing date will be preserved to take public comment.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter is hereby **rescheduled** to commence on **January 20, 2015, at 9:00 a.m.**, or as soon thereafter as is practical, at the Commission's office, 1200 West Washington St., Hearing Room No. 1, Phoenix, Arizona 85007 and shall continue, if necessary, on **January 21, 2015, at 1:30 p.m.**

IT IS FURTHER ORDERED that the hearing date scheduled for **December 16, 2014**, shall be preserved solely for the purpose of taking of **public comment**.

IT IS FURTHER ORDERED that the hearing dates scheduled for **December 18 and 19, 2014**, are hereby **vacated**.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) continues to apply to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38, and 42 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

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<sup>2</sup> The parties agreed to commence the hearing at 9:00 a.m. on January 20, 2015. If the hearing continues on January 21, 2014, counsel for SFI Grand Vista requested that the hearing resume in the afternoon due to a scheduling conflict.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 15<sup>th</sup> day of December, 2014.

  
SCOTT M. HESLA  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed this 15<sup>th</sup> day of December, 2014, to:

John Foreman, Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
Office of the Attorney General  
PAD/CPA  
1275 West Washington Street  
Phoenix, AZ 85007

Melissa M. Krueger  
Linda J. Benally  
Pinnacle West Capital Corporation  
400 North 5th Street, MS 8695  
Phoenix, AZ 85004  
Attorneys for Arizona Public Service Company

Thomas H. Campbell  
Lewis Roca Rothgerber, LLP  
201 East Washington Street, Suite 1200  
Phoenix, AZ 85004  
Attorneys for Arizona Public Service Company

Scott Wakefield  
Ridenour Hienton & Lewis PLLC  
201 North Central Avenue, Suite 3300  
Phoenix, AZ 85004  
Attorneys for DLGC II, LLC and  
Lake Pleasant Group, LLP

Joseph Drazek  
Quarles & Brady LLP  
One Renaissance Square  
Two North Central Avenue  
Phoenix, AZ 85004  
Attorneys for Vistancia, LLC

Scott McCoy  
Earl, Curley & Lagarde, PC  
3101 North Central Avenue, Suite 1000  
Phoenix, AZ 85012  
Attorneys for Elliott Homes, Inc.

Andrew E. Moore  
Andrew E. Moore Law Firm P.C.  
207 N. Gilbert Road, #1  
Gilbert, AZ 85234  
Attorneys for Woodside Homes of Arizona, Inc.

Court Rich  
Ryan Hurley  
Rose Law Group PC  
7144 East Stetson Drive, Suite 300  
Scottsdale, AZ 85251  
Attorneys for Warrick 160, LLC and  
Lake Pleasant 5000, LLC

Robert N. Pizorno  
The Pizorno Law Firm PLC  
P.O. Box 51683  
Phoenix, AZ 85076-1683

Frederick E. Davidson  
Chad R. Kaffer  
The Davidson Law Firm  
8701 East Vista Bonita Drive, Suite 220  
P.O. Box 27500  
Scottsdale, AZ 85255  
Attorneys for Quintero Golf & Country Club and  
Quintero Community Association

1 Dustin C. Jones  
 2 RIDENOUR HIENTON PLLC  
 201 N. Central Avenue  
 3 Suite 3300  
 Phoenix, AZ 85004-1052  
 4 Attorneys for Anderson Land and  
 Development, Inc.

5 David F. Jacobs  
 Assistant Attorney General  
 177 North Church Avenue, Suite 1105  
 6 Tucson, AZ 85701  
 7 Attorney for Arizona State Land Department

8 Lawrence Robertson, Jr.  
 2247 East Frontage Road, Suite 1  
 P.O. Box 1448  
 9 Tubac, AZ 85646  
 10 Attorney for Diamond Ventures, Inc.

11 Stephen J. Burg  
 Office of the City Attorney  
 City of Peoria  
 12 8401 West Monroe Street  
 Peoria, AZ 85345  
 13 Attorneys for City of Peoria

14 Jay Moyes  
 Steve Wene  
 15 Moyes Sellers & Sims LTD  
 1850 North Central Avenue, Suite 1100  
 16 Phoenix, AZ 85004  
 17 Attorneys for Vistancia Homeowners Associations

18 Michael D. Bailey  
 City Attorney  
 City of Surprise  
 19 16000 North Civic Center Plaza  
 Surprise, AZ 85374  
 20 Attorneys for City of Surprise

21 James Braselton  
 Gary L. Birnbaum  
 22 Mariscal, Weeks, McIntyre &  
 Friedlander, P.A.  
 23 2901 North Central Avenue, Suite 200  
 Phoenix, AZ 85012  
 24 Attorneys for SFI Grand Vista LLC and  
 25 Sunhaven Property Owners

26 Christopher Welker  
 Holm Wright Hyde & Hays PLC  
 10429 South 51<sup>st</sup> Street, #285  
 27 Phoenix, AZ 85044  
 28 Attorneys for LP 107, LLC

Stephen Cleveland  
 City Manager  
 City of Buckeye  
 530 E. Monroe Avenue  
 Buckeye, AZ 85326

Charles W. and Sharie Civer  
 42265 North Old Mine Road  
 Cave Creek, AZ 85331-2806

Art Othon  
 8401 West Monroe Street  
 Peoria, AZ 85345

Ruben Ojeda  
 Manager, Rights of Way Section  
 Arizona State Land Development  
 1616 W. Adams Street  
 Phoenix, AZ 85007

Janice Alward, Chief Counsel  
 Legal Division  
 ARIZONA CORPORATION COMMISSION  
 1200 West Washington Street  
 Phoenix, AZ 85007

Steven M. Olea, Director  
 Utilities Division  
 ARIZONA CORPORATION COMMISSION  
 1200 West Washington Street  
 Phoenix, AZ 85007

COASH & COASH, INC.  
 Court Reporting, Video and Videoconferencing  
 1802 North 7<sup>th</sup> Street  
 Phoenix, AZ 85006

By: Rebecca Unquera  
 Rebecca Unquera  
 Assistant to Scott M. Hesla